smugglers to whom they have entrusted their lives without ever reaching our shores. This legislation today is not aimed at the poor, tired huddled masses of aliens seeking freedom, but at those who take advantage of those same aliens by preying upon their misery. The bill increases enforcement efforts against alien smugglers, and increases penalties for those who are caught.

Today's vote can help bring some truly despicable criminals to justice. I thank my friend, again, the gentleman from California (Mr. ROGAN), for taking the lead on yet another important issue and working hard to move it to completion. He is truly a tremendous asset to this body.

I urge my colleagues to support this fine effort to address a serious problem and vote for this bill.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia (Mr. Scott), a member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I recognize the seriousness of this offense, but I must oppose the bill because Congress should not be dictating and mandating sentences to the Sentencing Commission.

As we know, the Sentencing Commission was established to determine the appropriate sentencing guidelines based on the severity of the offense and after giving consideration to all other relevant factors, including the proportionality of the sentence to other offenses.

The review needs to be thorough and thoughtful. But this review, however, has not been thorough and thoughtful, because without the Sentencing Commission, crimes are considered out of context, and as a result, we have sentencing disparities.

For example, this bill provides for a sentence of 1½ to 3 years for getting caught smuggling 24 aliens, while Congress has required a 5-year mandatory minimum sentence for possession of a weekend's worth of crack cocaine.

It seems to me that an enterprise involved in smuggling 24 aliens is far more serious than an offense of smoking crack at home, but we would be better served with the Sentencing Commission considering all of those offenses in context and avoid such disparities.

The bill before us takes that responsibility from the Sentencing Commission and simply mandates that the sentences be doubled, a process which was neither thoughtful nor thorough. If Congress must dictate to the Sentencing Commission, we must at least assess the full effect of the sentencing changes Congress has already directed the Sentencing Commission to implement.

In the 1996 Illegal Immigration Reform and Immigration Responsibility Act, Congress required the United States Sentencing Commission to substantially increase the sentences for alien smuggling. The revised sentencing guidelines have resulted in a 300 percent increase in the median sentence for immigrant smuggling from 1997 to 1998.

Without taking the time to evaluate the impact of such an increase in sentencing for immigrant smuggling, Congress cannot know whether doubling the sentence is appropriate.

In addition to doubling the base offense level for alien smuggling, the bill includes mandatory minimums if the defendant used a firearm. Unfortunately, here we are again with Congress' favorite solution to crime: the mandatory minimum sentence. This is despite the fact that research has shown that mandatory minimum sentences are both ineffective and unduly harsh.

A 1997 study by the Rand Corporation on drug sentencing found that in all cases, conventional enforcement is more cost-effective than mandatory minimums, and treatment is more than twice as cost-effective as mandatory minimums.

Furthermore, in March of this year in a letter to the gentleman from Illinois (Chairman HYDE), the Judicial Conference of the United States set forth the problems with mandatory minimums as follows:

''The reason for our opposition is manifest: Mandatory minimums severely distort and damage the Federal sentencing system. . .. Far from fostering certainty in punishment, mandatory minimums result in unwarranted sentencing disparity. Mandatories also treat dissimilar offenders in a similar manner, offenders who can be quite different with respect to the seriousness of their conduct or their danger to society. Mandatories require the sentencing court to impose the same sentence on offenders when sound policy and common sense call for reasonable differences in punishment.''

Based on these facts, it is clear that we should not be expanding mandatory minimums. The better approach would be directing the Sentencing Commission to review and to rationally consider increasing the offense level for alien smuggling to reflect the seriousness of the offense.

To this end, I offered an amendment to H.R. 238 which would have referred the issue to the Sentencing Commission for further consideration in light of the seriousness of the offense. Unfortunately, the amendment was not adopted. As a result, we are here today preventing the Sentencing Commission from doing its job.

I therefore must oppose this legislation, because we are dictating new sentences out of context of other crimes 6 weeks before an election.

I urge my colleagues to vote no on H.R. 238.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROGAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROGAN) that the House suspend the rules and pass the bill, H.R. 238, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to improve the prevention and punishment of criminal smuggling, transporting, and harboring of aliens, and for other purposes.''.

A motion to reconsider was laid on the table.

CHILD SEX CRIMES WIRETAPPING ACT OF 2000

Mr. HUTCHINSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3484) to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Sex Crimes Wiretapping Act of 2000''.

SEC. 2. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.

(a) CHILD PORNOGRAPHY.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''section 2252A (relating to material constituting or containing child pornography),'' after ''2252 (sexual exploitation of children),''.

(b) TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY.—Section 2516(1) of title 18, United States Code, as amended by section 3 of this Act, is amended—

(1) by striking ''or'' at the end of paragraph (o);

(2) by inserting after paragraph (o) the following:

''(p) a violation of section 2422 (relating to coercion and enticement) or section 2423 (relating to transportation of minors) of this title, if, in connection with that violation, the sexual activity for which a person may be charged with a criminal offense would constitute a felony offense under chapter 109A or 110, if that activity took place within the special maritime and territorial jurisdiction of the United States; or''; and

(3) by redesignating paragraph (p) as paragraph (q).

SEC. 3. TECHNICAL AMENDMENT ELIMINATING DUPLICATIVE PROVISION.

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking the first paragraph (p); and

(2) by inserting ''or'' at the end of paragraph (o).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

GENERAL LEAVE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3484, which was introduced by the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, together with the gentlewoman from Connecticut (Mrs. JOHNSON).

This bill is intended to assist Federal law enforcement agencies to better investigate crimes against children. The Committee on the Judiciary reported the bill favorably by voice vote.

Under current law, law enforcement agencies may only seek court authority to use a wiretap to investigate a limited number of crimes commonly called ''wiretap predicates.'' While many crimes involving the sexual exploitation of children are already wiretap predicates, a few are not. With the rise of the Internet, sexual predators often attempt to lure their child victims by engaging in conversations with them in a chat room, then traveling to meet the child or asking the child to travel to them.

Oftentimes, the predators will send child pornography to the child in order to lower the child's natural defense to the sexual advances of adults. Fortunately, all of these acts are crimes under Federal law, and law enforcement agencies have been using these statutes with increasing frequency in order to catch and punish these predators before they inflict physical harm on a child.

But even when law enforcement agencies obtain a court order to monitor the predator's Internet conversation with the child, they do not have the authority under current law to monitor the predator's telephone conversations with the child or with potential co-conspirators. Of course, many times some part of the predator's attempt at seduction of the child will occur over the telephone. If law enforcement officials cannot monitor the calls, they may be unable to act to stop him before he physically harms the child. For that reason, this legislation is necessary.

This bill would address this shortcoming in the law by adding three title 18 crimes as new wiretap predicates. I point out to my colleagues that nothing in the bill would change the requirement in current law that a judge must approve each wiretap request before the wiretap is activated.

Mr. Speaker, there is nothing more precious and worthy of protection than a child. I believe we should do everything in our power to catch sexual predators before they harm our children. This bill, H.R. 3484, will ensure that our law enforcement agencies have the tools to do that.

The Department of Justice and the Department of the Treasury both support this bill.

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Mr. Speaker, I urge all of my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in opposition to H.R. 3484, which would add to the already lengthy list of predicate offenses for which wiretap may be issued. While I am prepared to support some extension of Federal wiretap authority in these kinds of cases, I believe the present bill goes too far in extending law enforcement's authority to use a tool recognized to be so invasive of the rights of citizens in a free society that it can only be made available for use under circumstances specifically approved by Congress.

Currently, congressionally approved wiretap authority dates back to the 1968 crime bill. The primary intent of the provision was to permit a limited use of electronic surveillance of organized crime and gambling groups, and it was envisioned as a tool of last resort even under those circumstances.

The limited approach to authorizing wiretap authority was appropriate because what we are talking about is permitting law enforcement officials to engage in the unseemly acts of secretly eavesdropping on our phone conversations, conversations which include primarily private content, most of which will have nothing to do with criminal activity. Unfortunately, since 1968, the act has been amended over a dozen times and now includes over 50 predicate crimes for which wiretap may be obtained.

Regrettably, a number of those predicates involve rather minor offenses such as false statements on a passport application. In justifying further expansion of wiretap authority, the argument now goes, if we amended the wiretap authority to add ''X,'' we should certainly amend it to add ''Y,'' which is a much more serious offense. As a result, wiretaps are becoming routine, rather than an extraordinary procedure to be used only as a last resort. Given the level of effectiveness of today's technology, wiretaps have the potential of being even more invasive.

At issue today is whether we should add three new crimes to the wiretap predicate offensive list: Criminal Code Section 2252A, relating to material constituting or containing child pornography; section 2422, relating to coercion and enticement; and section 2423, relating to transportation of minors.

Now, while I certainly support enforcement of these provisions, I do not believe that they should all be predicate offenses for wiretaps. The way the bill is presented to us, it is all or nothing.

First, it is clear from the list of already existing sex crime offenses that much of the more serious activity for which proponents of the legislation are seeking to justify wiretap extension are already covered by wiretap authority or other confiscation authority and investigatory techniques. For example, sexual exploitation of children is already a crime that is a wiretap predicate.

While I appreciate the majority's willingness to limit sections 2422 and 2423 to sexual activity which would constitute a Federal felony, the bill still includes the overly broad provisions contained in sections 2252A and 2423(b) as predicate offenses.

Section 2252A includes, among other things, computer-generated depictions of child pornography. Now, the suspicion that someone may be generating filthy depictions on a home computer should not justify listening in to their private phone conversations. Now section 2423(b) makes it an offense to travel with the intent or thought of committing any sex crime.

Thus pursuant to H.R. 3484, the bill before us, law enforcement would be able to get a wiretap where it learns that an 18-year-old is traveling from Washington, D.C. to Northern Virginia to have sex with his 17-year-old girlfriend. Now, I do not think that we have a compelling need to authorize government officials to listen into personal phone conversations when they suspect that such activity may be planned.

Mr. Speaker, as I have indicated earlier, wiretap authority is so invasive of the rights of citizens in a free society that it must be made available only as a last resort. The more serious criminal activity for which proponents of the legislation are seeking to justify wiretap extension are mostly covered by wiretap authority or other confiscation authority and investigatory techniques already.

Further, certain provisions of the bill are overly broad or simply involve conduct not serious enough to warrant the extraordinary invasion of privacy involved in wiretap authority.

As a result, I must oppose this legislation and urge my colleagues to vote no on H.R. 3484.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Virginia (Mr. SCOTT) for his work on this. It has been a pleasure in the Subcommittee on Crime to serve with him. I did want to respond, simply as a Federal prosecutor, I have had experience in requests for wiretap authority. All I can say is that the Department of Justice, from my experience, uses it very, very rarely.

One of the reasons is that, in order to have wiretap permission, one has to get authorization at a very, very high level in the Department of Justice. So there are a number of tools to screen the overuse of wiretap authority. Then, secondly, there are numerous protections in it, such as one has to go to a Federal judge. For those reasons, it is not something that is a routine law enforcement tool, as it should not be.

I think that the gentleman from Virginia is absolutely correct. This should be a tool that should be reserved for the very difficult cases and not just used in a routine fashion. That is something that we certainly share, and I hope that the Department of Justice will always maintain that view of wiretap authority.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), who has really been the pusher behind this legislation, an extraordinary advocate for children.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Arkansas (Mr. HUTCHINSON) and also the gentleman from Florida (Mr. MCCOLLUM) for their leadership and help in bringing this issue and this bill to the floor.

As I learned from meetings with Customs Service agents, students, parents and teachers, predators lurk no longer just around the playground. They lurk in every computer. I was born and raised in Chicago, not in the suburbs, but in Chicago. I played in the streets and in the alleys of my neighborhood. Yet, I felt safe. I felt safe because I was taught that, if I did not go certain places, I would be safe. We were taught by our parents, do not go here. Do not go there. Stay within these parameters. Because we were taught about the dangers around us, we were safe.

Now we have to teach our kids about the dangers that lurk on the Internet so they too can enjoy the wonderful resources the Internet can make available to them but enjoy those resources in safety.

Twenty-five million kids ages 10 to 17 use the Internet. The risks are very high, and protections for our children need to be even higher.

During one visit to Connecticut, a Customs agent entered a chat room camouflaged as a teenage girl and within minutes was solicited by no less than five individuals seeking information about what she looked like, where she lived, what she liked to do, all under the guise of being her friend.

Such contacts have led to agreements between children and adults to meet, to meet the new friend. They have led to sexual abuse. But, fortunately, in Connecticut so far, none of these encounters have led to abduction and murder.

The National Center for Missing and Exploited Children estimates that there are over 10,000 Web sites maintained by pedophiles. There are even more child pornography sites with as much as 80 percent of it coming from other countries.

One of the chat rooms I was shown was named, this was just on the list, named ''infant rape and torture.'' Times have changed. The dangers are all around us. We must change our laws to arm our investigators with the power they need to protect our children.

This legislation would create several new predicate offenses for which a Federal agent can seek permission to wiretap a suspect. While I respect the concerns that have been raised on the floor here, our bill is essential if these kids are to be protected from those in the Internet who would seek them out, befriend them, and arrange to meet them in places through which they can sexually assault them or, as has happened, and will happen more and more often, lead to their harm and sometimes to their murder.

Our bill simply modernizes the statute. The officers would still have to present their case to a judge. So I urge support of this important legislation.

Mr. CONYERS. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. HUTCHINSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 3484, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2045) to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens, as amended.

The Clerk read as follows:

S. 2045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Competitiveness in the Twenty-first Century Act of 2000''.

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

In addition to the number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(15)(H)(i)(b)), the following number of aliens may be issued such visas or otherwise provided such status for each of the following fiscal years:

(1) 80,000 for fiscal year 2000;

(2) 87,500 for fiscal year 2001; and

(3) 130,000 for fiscal year 2002.

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

''(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

''(A) who is employed (or has received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) a nonprofit research organization or a governmental research organization; or

''(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

''(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), be counted toward the numerical limitations contained in paragraph (1)(A) the first time the alien is employed by an employer other than one described in paragraph (5)(A).''.

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

''(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

''(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

''(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended